

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 7

Rashawn R. Russell,

Case No. 22-42185-nhl

Debtor.

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**NOTICE OF MOTION OF TRUSTEE FOR AN ORDER
EXTENDING HIS TIME TO OBJECT TO DISCHARGE**

PLEASE TAKE NOTICE that Robert J. Musso, Chapter 7 Trustee ("Trustee") of the estate of Rashawn R. Russell ("Debtor") by his attorneys Rosenberg, Musso & Weiner, LLP, will mov this court before the Honorable Nancy Hershey Lord, at a hearing to be conducted telephonically, dial in number 888-363-4734, Access Code 4702754, on March 9, 2023 at 11:00 a.m. or as soon thereafter counsel can be heard for an Order pursuant Rule 4004(b) extending the time for the Trustee to file a complaint objecting to discharge together with such other relief as it is just and proper.

PLEASE TAKE FURTHER NOTICE, that the hearing shall not be held in person but shall be held telephonically or by video. Those intending to appear at the hearing must register with eCourt Appearances no later than two days prior to the hearing. The phone number or link to the hearing will be emailed to those that register with eCourt Appearances in advance of the hearing. Attorneys with a CM/ECF account may register under the Utilities menu after logging on to CM/ECF. Instructions for registering can be found at <https://www.nyeb.uscourts.gov/node/2126> . Those without a CM/ECF account may access the program at <https://ecf.nyeb.uscourts.gov/cgi-bin/nyebAppearances.pl> . If you do not have internet access or are otherwise unable to register with eCourt Appearances, you may email Judge Nancy Hershey Lord's courtroom deputy for instructions at

nhl_hearings@nyeb.uscourts.gov at least two (2) business days prior to the hearing. Your email must include your name, the case number(s), who you represent (if you are an attorney), hearing date and phone number.

PLEASE TAKE NOTICE, that objections to the Application and/or responsive papers, if any must be in writing, must conform to the requirements of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the Local Rules of the United States Bankruptcy Code for the Eastern District of New York and must be filed on or before February 21, 2023 with the Clerk of the Bankruptcy Court (with a copy to Chambers), and served so as to be received by attorneys for the Trustee, Rosenberg, Musso & Weiner, LLP 26 Court Street, Suite 2211, Brooklyn, New York 11242, Attention: Robert J. Musso, Esq., on or before February 21, 2023. Parties with legal representation shall file with the court: (a) (i) through the Bankruptcy Court's electronic filing system (in accordance with General Order M-182) which may be accessed through the internet at <http://ecf.nyed.uscourts.gov> and (ii) in portable document format (PDF) using Adobe Exchange software for conversion, or (b) if a party is unable to file electronically, such party shall submit the response or objection in PDF format on a diskette in an envelope with the case name, case number and title of document: or (c) if a party is unable to file electronically or use PDF format, such party shall submit the response or objection on a diskette in either Word, Word Perfect, or DOS text (ASCII) format.

PLEASE TAKE FUTHER NOTICE, that the failure of any objecting person or entity receiving Notice to file an Objection thereto on a timely basis may be a bar to the assertion of any objection to the Application.

Dated: Brooklyn, New York
January 26, 2023

Rosenberg, Musso & Weiner, LLP
Attorneys for Trustee

By: /s/ Robert J. Musso
Robert J. Musso (RJM-9530)
26 Court Street, Suite 2211
Brooklyn, New York 11242
(718) 855-6840

TO: OFFICE OF THE U.S. TRUSTEE
Eastern District of New York – Brooklyn, New York
201 Varick Street, Suite 1006, 10th Floor
New York, New York 10014

Rashawn R. Russell
1734 Flatbush Avenue
Brooklyn, New York 11210

Brendan Scott, Esq.
Klestadt Winters, LLP
200 West 41st Street, 17th Floor
New York, New York 10036

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In re:

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**TRUSTEE'S APPLICATION FOR AN ORDER FURTHER
EXTENDING HIS TIME TO FILE A COMPLAINT OBJECTING TO DISCHARGE**

TO: THE HONORABLE NANCY HERSEHY LORD
UNITED STATES BANKRUPTCY JUDGE

Robert J. Musso ("Trustee"), Chapter 7 Trustee to the estate of Rashawn R. Russell

respectfully submits:

1. On September 13, 2022, a Chapter 7 involuntary petition was filed against Rashawn R. Russell ("Debtor").
2. An Order for relief was entered on October 21, 2022.
3. On October 27, 2022, Robert J. Musso was appointed Interim Trustee and is now serving as the permanent Trustee.
4. The Trustee sent a letter to the Debtor on November 1, 2022 together with a copy of the Trustee's appointment and the Order granting relief. The letter also urged the Debtor to retain counsel.
5. The Debtor did not appear at the meeting of creditors scheduled for December 14, 2022 nor the adjourned meeting on January 18, 2023.
6. The Trustee has not had an opportunity to examine the Debtor. The Trustee has spoken to counsel for the petitioning creditors and one of the creditors. The Trustee was told the Debtor was given substantial funds for investment.

7. The involuntary petition alleges the Debtor breached an “investor agreement” and has not accounted for the approximate \$500,000.00.

8. The deadline for filing a complaint to deny the Debtor a discharge is January 27, 2023.

9. The Trustee needs additional time examine the Debtor and determine whether there is a basis to object to the Debtor’s discharge.

10. The Trustee submits there is cause to extend the Trustee’s time to object to the Debtor’s discharge.

11. A copy of the proposed order extending time is attached as Exhibit A.

WHEREFORE, it is respectfully requested that the motion to extend the Trustee’s time to object to discharge be granted together with any further relief the Court may deem just and proper.

Dated: Brooklyn, New York
January 26, 2023

By: _____

Rosenberg, Musso & Weiner, LLP
Attorneys for Trustee

Robert J. Musso, Esq.
26 Court Street, Suite 2211
Brooklyn, New York 11242